

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number 10/524,750
Total Number of Pages in This Submission 47	Filing Date August 13, 2003	
	First Named Inventor Martin et al.	
	Group Art Unit To Be Assigned	
	Examiner Name To Be Assigned	
	Attorney Docket Number 3213/104	

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply (\$ _____) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request (\$ _____) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement (\$ _____) <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Response to Notification of Missing Requirements Under 35 U.S.C. 371 (\$ _____) <input checked="" type="checkbox"/> A copy of the Notification of Missing Requirements Under 35 U.S.C. 371	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input checked="" type="checkbox"/> Declaration and Power of Attorney <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition (\$ _____) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer (\$ _____) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (\$ _____) <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Request for Corrected Filing Receipt with Enclosures <input checked="" type="checkbox"/> A self-addressed, prepaid postcard for acknowledging receipt <input type="checkbox"/> Check in the amount of \$ _____ <input checked="" type="checkbox"/> Communication <input checked="" type="checkbox"/> Statements in Accordance With 37 C.F.R. § 1.821 <input checked="" type="checkbox"/> 3.5" computer readable diskette containing Sequence Listing <input checked="" type="checkbox"/> Sequence Listing (34 pages)
Remarks		<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees required or credit any overpayments to Deposit Account No. 14-1138 for the above identified docket number.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael L. Goldman Nixon Peabody LLP Clinton Square, P.O. Box 31051 Rochester, New York 14603-1051 Telephone: (585) 263-1304 Fax: (585) 263-1600
Signature	<i>Michael L. Goldman</i> Registration No. 30,727
Date	July 21, 2005

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]	
I hereby certify that this correspondence is being:	
<input checked="" type="checkbox"/> deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450	
<input type="checkbox"/> transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at <i>(703) 7/21/05</i>	
Date 7/21/05	<i>Wendy L. Barry</i> Signature Wendy L. Barry Typed or printed name

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Martin et al.)	Examiner:
Serial No.	:	10/524,750 based on PCT/US03/25247, filed)	To Be Assigned
		August 13, 2003)	Art Unit:
For	:	BACTERIAL EFFECTOR PROTEINS WHICH INHIBIT PROGRAMMED CELL DEATH)	To Be Assigned

COMMUNICATION

Mail Stop: PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Notification of Missing Requirements, dated June 13, 2005, for the above-identified application, it was indicated that additional fees of \$50.00 were due to be paid. Since Applicants believe that all required fees were paid at the time of filing the subject application, a phone call was placed to Paulette Kidwell on July 21, 2005 at the U.S. Patent and Trademark Office to inquire about the reason for the additional fees due.

In a phone conversation between Ms. Kidwell and Bernice McGlynn, a paralegal in the office of the undersigned attorney, it was determined that no additional fees were due, and that the amount of \$50.00 indicated on the Notification of Missing Requirements should be disregarded. Ms. Kidwell advised Ms. McGlynn that incorrect PTO fee codes had been applied to the fees paid at the time of filing the subject application, and that the fee codes would be corrected.

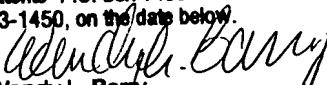
Please apply any credit of overpayment, or additional fees due, in regard to this submission to our Deposit Account No. 14-1138.

Date: July 26, 2005



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Date <u>7/21/05</u>	Wendy L. Barry 


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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/524,750	Gregory B Martin	3213/104

Michael L Goldman
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 Clinton Square
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ENTERED
 Nixon Peabody LLP

JUN 20 2005

FILE 3213/104 pk
 DKT Response Due
Sequence Listing Due
August 13, 2005

INTERNATIONAL APPLICATION NO.

PCT/US03/25247

I.A. FILING DATE	PRIORITY DATE
08/13/2003	08/16/2002

CONFIRMATION NO. 6908
 371 FORMALITIES LETTER
 OC000000016252887
 OC000000016252887

Date Mailed: 06/13/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/15/2005
- Biochemical Sequence Listing filed on 02/15/2005
- Request for Immediate Examination filed on 02/15/2005
- U.S. Basic National Fees filed on 02/15/2005
- Priority Documents filed on 02/15/2005
- Specification filed on 02/15/2005
- Claims filed on 02/15/2005
- Abstracts filed on 02/15/2005
- Drawings filed on 02/15/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$-50 for a Small Entity:

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and

a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

(A previous payment of \$50 will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,750	PCT/US03/25247	3213/104

FORM PCT/DO/EO/905 (371 Formalities Notice)